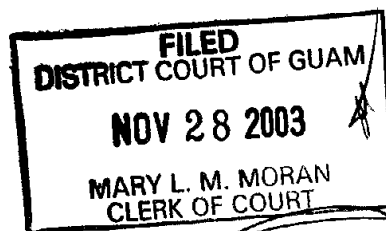


orig.



Tony H. Ashtiani
P.O.Box 12723
Tamuning Guam 96931
671-688-4844
671-653-5575

UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

Tony H. Ashtiani,)
)
Plaintiff,) Civil Case No.: 02-00032
)
Vs.)
)
Continental Micronesia Inc,) AFFIDAVIT OF TONY H. ASHTIANI
) IN SUPPORT OF OPPOSITION TO
) DEFENDANTS' MOTION FOR SUMMARY
) JUDGMENT.
)
Continental Airlines,)
) (Fed R. Civ. P. 56)
Defendant.)
)
)
)

AFFIDAVIT OF Tony H. ASHTIANI

1. My name is Tony H. Ashtiani Plaintiff, pro se in the above-entitled action. I am over 18 years of age. I reside at 191 Chalan Cabesa Yigo, Guam. U.S.A. I am fully competent to make this affidavit and I have personal knowledge of the facts stated in this affidavit. To my knowledge, all of the facts stated in this affidavit are true and correct.

CV 02-00032 PAGE 1 of 7

AFFIDAVIT OF TONY H. ASHTIANI

ORIGINAL

1 2. All exhibits referred and herein attached have been
2 reviewed and thus I have personal knowledge of these documents
3 and information contained therein.

4 3. Ashtiani received only one evaluation from CAL and
5 none at CMI. EXHIBIT A.

6 4. Pacific employer by CARLSMITH in reference to
7 Written Performance Evaluation. EXHIBIT B.

8 5. Plaintiff was receiving racial slurs by uncivilized
9 individuals and Ashtiani was not used to this type of treatment.

10 6. The name-calling effected Ashtiani "racial
11 harassment is a form of racial discrimination which includes
12 racial jokes, ethnic slurs offensive and derogatory comments or
13 other verbal or physical conduct based on an individual race or
14 color. Such conduct may create an intimating, hostile, or
15 offensive working environment, or interference with the
16 individual's work performance.
17

18
19 Federico Costales, Director of EEOC'S
20 Miami office said, Subjecting workers to
21 harassment because of their race can be
22 costly to businesses not only in
23 monetary terms, but also in terms of
24 increased absenteeism and health care
25 costs, and lower productivity and
employee moral. EXHIBIT C.

1 7. Instances of "nearly identical": in September
2 1998, Plaintiff's father had passed away and I had returned from
3 a long journey, while Ashtiani was dealing with stress related
4 to loss of love one, CMI had asked me to provide proof of my
5 fathers' death. Luckily, I had brought some pictures from the
6 funeral that had dates on the left bottom corner of the
7 pictures, I submitted them to Mr. Atalig and he then turned them
8 to human resources. Mr. Jay Gatdula's father had passed away and
9 he proceeded to off island funeral as well. After a month later
10 I asked him if CMI required him to provide any evidence of his
11 father's death. He stated to me "NO BRO". I will never forget
12 that day.
13

14 8. Instance of "nearly identical": while Mr. Joby
15 Okada was off for over a month for a sick grandmother plaintiff
16 was not able to receive the same terms and condition as his
17 comparator. I am grateful that CMI allowed Mr. Joby Okada to
18 take such time off to attend his loving grand mother. Although,
19 Plaintiff was deprived of the same conditions for his own
20 biological son.
21

22 In order for two or more employees to be considered similarly
23 situated for purpose of creating inference of disparate treatment
24 in Title VII case, plaintiff must prove that all relevant aspects of
25 employment situation are "nearly identical" to those of
nonminority employees who he alleges were treated more
favorably. Civil Rights Act of 1964, § 701 et seq., as amended, 42
U.S.C.A. § 2000e et seq. Payne v. Illinois Cent. Gulf R.R.
665 F. Supp. 1308

CV 02-00032 PAGE 3 of 7

AFFIDAVIT OF TONY H. ASHTIANI

1 09. P-138 shows that Mr. Okada was off from NOV 27
2 1999 and the shift schedule for month of December 99 shows that
3 he was off the whole month of DEC -99. JOINT EXHIBIT D.

4 10. On the other hand Ashtiani has not solely rested
5 on statistics alone but able to provide individual instances.

6 Even if United's contentions were true McAlester's
7 case does not rest solely on statistics but also rests
8 upon individual instances of discriminatory treatment
McAlester v. United Airlines. 851 F.2d 1249

9 11. Ashtiani was qualified for his position because
10 Mr. Herrera had assign Plaintiff to work on two (2) aircraft by
11 him self, then a third (3rd) one later with the crew, On Jun
12 26, 2001 Plaintiff's last day at work indication of constructive
13 termination to force employee to resign. EXHIBIT E. Ashtiani
14 was qualified for his position because of Mr. Bennett "letter of
15 Commendation" EXHIBIT F. Ashtiani was qualified for his position
16 because Mr. Fabian Therrell states Tony is one the brightest
17 mechanic I have worked with. EXHIBIT G.

18 In fact since defendant states that plaintiff was not
19 qualified, thus per Federal Aviation Administration Rules (FARs)
20 Defendant is required by law to ground all their aircrafts that
21 plaintiff worked on, that includes all the mechanics that
22 plaintiff knows were with or without leave of absences including
23 a mechanic that just returned to work after 7 months of leave.
24
25

1 12. Trade days off were non-accountable absences
2 Accordingly, defendant may not rehash their specific reason for
3 termination. JOINT EXHIBIT H. ("Every one trade days")
4

5 13. There is no need to call supervisor when calling
6 sick. Mr. Vince Diaz statement EXHIBITS I. Mr. Fabian Therrell
7 statement "I have never, till this very day been told supervisor
8 must take the call". EXHIBIT J.
9

10 14. Plaintiff production of document # 338 was produced
11 intentionally to show Mr. Mendoza's pattern of practice, wrote a
12 letter on Nov 14 1999 and was aware of the other party trade
13 day cancellation but he concealed the information. Please note
14 that plaintiff underlined dates and defendant over looked it.
15 then submitted as exhibit, the letter was written 6 days prior
16 to the event. Also see Kimball's statement.

17 15. Defendants mot at 3 Ashtiani however failed to
18 appear for work on Jun 17, 18, and 19, 2001. and failed to
19 secure approval for his absences on these days. This is false
20 DOCUMENT # 000253 approved by Herrera. EXHIBIT K. Defendant re-
21 negotiating the stated reason of termination after 3 years.
22

23 16. Definition of Accountable absences EXHIBIT L.

24 17. Mr. Herrera audit attendance indicates that
25 Ashtiani since 2000 to May 15, 2001 had one (1) sick. EXHIBIT M.

18. Thus, Mr. McKinzie has provided the Court manufactured document for year 2001 and is using all the days off that is enjoyed by my co workers of different race and nationality like vacation and holidays against me as attendances (Noted that the crew worked (4 days long shift and 3 days off)). due to work schedule and trade days are non-accountable attendances.

19. Plaintiff is providing the Court Mr. Martinez's statement referring to Mr. McKinzie document when we saw it on February 08, 2002 during EEO investigation 1.) "unpunched document was created after your termination to fill in the missing information the company wanted to show as your attendance record." 2.) "I do find it unusual that your file has two record sheets, and especially since the two have different information on them." **EXHIBIT N.**

Respectfully submitted,

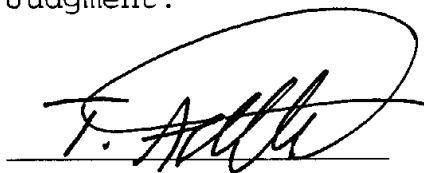
Dated: this 28TH day of November 2003.

1
2 I declare under penalty of perjury that the forgoing is true and
3 accurate to the best of my knowledge.
4

5 

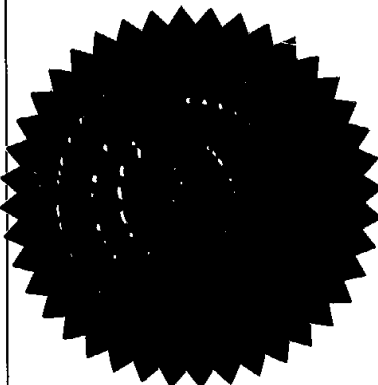
6 Tony H. Ashtiani,
7 Pro Se, litigant
8

9 I sign this affidavit in support of Plaintiff' opposition
10 to defendants' motion for Summary Judgment.
11

12 

13 TONY H. ASHTIANI
14

15
16 SUBSCIBED AND SWARN TO BEFORE ME On This 28th day of November
17 2003 at Hagatna, Guam U.S.A. by Tony H. Ashtiani.
18





BENJAMIN G. GALARPE
NOTARY PUBLIC
In and for Guam, U.S.A
My Commission Expires: August 9, 2005
P. O. Box 821, Hagatna, Guam 96932



JUN 09 1992

Employee Evaluation/Progress Report

TECHNICAL SERVICES DIVISION

R. V. HARDISTY

☐ New Hire ☒ Upgrade ☐ Transfer ☐ Annual

EMP. NAME Tony AshTian EMP. NUMBER 05963 EVALUATION PERIOD: FROM: 4-27-92 TO: 6-3-92

STATION LBA DEPT. Inspection JOB CLASS Inspector

(V) MARK GRADING AS IT APPLIES TO INDIVIDUAL BEING EVALUATED

WORK QUALITY

- ☐ ERRORS IMPAIR VALUE OF WORK
☐ WORK REQUIRES CONSTANT INSPECTION
☒ WORK IS USUALLY RELIABLE AND ACCURATE
☐ RARELY ANY ERRORS IN WORK

WORK ABILITY

- ☐ WORK NOT FINISHED IN TIME ALLOWED
☐ USUALLY WORK NOT FINISHED IN TIME ALLOWED
☒ USUALLY WORK COMPLETED IN TIME ALLOWED
☐ WORK ALWAYS COMPLETED IN TIME ALLOWED

WORKING WITH OTHERS

- ☐ ANNOYS OTHERS
☐ DOES NOT FIT EASILY INTO THE CREW
☒ ACCEPTABLE TO ASSOCIATES
☐ PROMOTES GOOD FEELING

UNDERSTANDING OF JOB

- ☐ REQUIRES REPEATED INSTRUCTION/DEMONSTRATION BY SUPERVISOR
☐ REQUIRES DETAILED EXPLANATION OF PROBLEM AND METHOD
☒ UNDERSTANDS READILY IF PROBLEM AND METHOD ARE OUTLINED
☐ REQUIRES LITTLE OR NO HELP TO UNDERSTAND

USE OF TIME

- ☐ WASTES TIME WALKING AROUND AND TALKING TO OTHERS
☐ NEEDS PRODDING OCCASIONALLY
☒ WORKS STEADILY
☐ HABITUALLY DRIVES SELF

JOB KNOWLEDGE - How well does employee know job?

U P (S) VG EX

DEPENDABILITY - How well employee works without supervision in relation to when supervisor is present

U P S (VG) EX

EXPRESSION - How well employee effectively expresses thoughts and ideas. (Make distinction between oral and written, if different)

U P (S) VG EX

COOPERATION/GENERAL ATTITUDE - Cooperation and all around attitude displayed towards work, fellow employees, and conformance to company policy and procedures

U P S (VG) EX

JUDGEMENT AND COMMON SENSE - Judgement and common sense displayed in reaching wise decisions in emergencies or embarrassing situations as well as in routine work

U P S (VG) EX

INITIATIVE - Allerness in pointing out faults or possible improvements, making suggestions, going ahead without being told, etc.

U P S (VG) EX

BRIEFLY OUTLINE WHAT EMPLOYEE DOES TO FIT OR IMPROVE SELF FOR PRESENT JOB I Find Tony at the Trade Printer Looking up Limits, Asks other Inspectors For help when needed and myself if I'm available to help.

WHAT APPEAR TO BE EMPLOYEE'S THREE STRONGEST POINTS appears to be aggressive, Questions Mechanics on the Job & has good attitude

WHAT APPEAR TO BE EMPLOYEE'S (THREE IF POSSIBLE) WEAKEST POINTS IF Tony continues as he is today he will be a good Inspector.

ADDITIONAL COMMENTS

000115

IN ANY CASE, WHAT SHOULD EMPLOYEE DO TO IMPROVE Continue to work as he is now doing

ATTITUDE: ☒ FRIENDLY ☒ COOPERATIVE ☐ GRATEFUL ☐ FAIR DESIRE TO IMPROVE ☐ BELLIGERENT ☐ CRITICAL
☐ NOT INTERESTED ☒ STRONG DESIRE TO IMPROVE ☐ EMPLOYEE NOT CONVINCED EVALUATION WAS ACCURATE

I acknowledge examination of this report.

T. AshTian

(Employee Signature)

6/9/92
(Date)

Paul Richard Inspection Supv.

(Signature/Title of Evaluator)

6-9-92
(Date of Interview)

DISTRIBUTION: ADMIN. FILE (WHITE) EMPLOYEE (YELLOW) STATION FILE (PINK)

cies; operational procedures; performance standards; and corporate goals.

- ✓ **Effective Communication Systems.** Employees perform best when they know what to expect and what is expected of them. To maximize employee performance, you need to develop communication lines to keep everyone informed and coordinated. Consider using one or more of the following communication systems: meetings (management, department, team, general staff); personnel policies and handbooks; employee newsletters; company bulletin boards; occasional memorandums or letters to employees; and suggestion or question boxes.

Give Employees an Opportunity to Meet the Performance Standards. Employees need to know whether they are performing up to company expectations or not. Consequently, it's important to establish mechanisms which give employees periodically feedback on how they are doing. Think about:

- ✓ **Employee Compensation.** Employers tend to think of compensation in terms of "compliance" (with wage and hour requirements) and "competition" (with respect to recruitment and retention of qualified workers, and staying off unionization). But compensation can also be used as a tool to reward performance and other conduct that is consistent with the company's goals. Remember, sometimes you get more with a "carrot" than a "stick."
- ✓ **Written Performance Evaluations.** This can be a powerful communication tool. It gives the company an opportunity to identify the areas in which an employee is doing well, as well as the areas that need improvement. However, like all tools, it must be consistently and uniformly implemented if it is to be effective. Supervisors and managers must *complete* the forms and provide frank feedback.

- ✓ **Internal Grievance Procedures.** Grievance procedures give employees an opportunity to voice their concerns about workplace issues or situations they do not agree with. The procedures also gives management a chance to see an issue from the employee's point of view (which can be useful for performance issues), and resolve it before it erupts into union organizing, an administrative agency complaint, or a lawsuit.

Taking Corrective Action. Before taking any corrective action, you need to determine whether the problem is really the employee's fault. In other words, have you defined the procedures, standards and rules that apply to the employee? If not, the problem may not be the employee's fault and it may be necessary for you to redefine the company's procedures, standards and rules.

If, however, you determine the problem is specific to the employee, then counseling may be appropriate. Remember "counseling" is educating an employee on how to do their job correctly or how to meet performance standards. Employees who cannot do something should be counseled.

Once you are certain the employee has been informed of the applicable requirements and performance standards for his/her job, and he/she has been given a reasonable opportunity to achieve, termination may be appropriate. If you have the "fundamentals" in place, and you have made efforts to communicate with the employee about his/her performance deficiencies, you should have documentation to support your decision to terminate the employee for his/her failure or refusal to meet performance standards. Although there is no guarantee that a properly documented termination will discourage an employee from suing, the documentation will help the company to prove that it has a "legitimate, nondiscriminatory reason" for terminating the employee for poor performance.

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among several racial harassment suits involving nooses in the workplace which have been filed by EEOC against Florida employers in the past two years."

Federico Costales, Director of EEOC's Miami office said, "Subjecting workers to harassment because of their race can be costly to businesses, not only in monetary terms, but also in terms of increased absenteeism and health care costs, and lower productivity and employee morale. It is imperative for employers to implement effective anti-discrimination policies and procedures to prevent discrimination and to address and remedy it when it occurs."

Charges of racial harassment filed with EEOC have more than doubled over the past decade from 2,849 charge filings in Fiscal Year 1991 to approximately 6,550 charge filings in FY 2000, about 8% of all charges filed with the agency. Racial harassment is a form of race discrimination which includes racial jokes, ethnic slurs, offensive or derogatory comments, or other verbal or physical conduct based on an individual's race or color. Such conduct may create an intimidating, hostile, or offensive working environment, or interferes with the individual's work performance, in violation of Title VII of the Civil Rights Act of 1964.

In addition to enforcing Title VII, which prohibits employment discrimination based on race, color, religion, sex or national origin, EEOC enforces the Age Discrimination in Employment Act; the Equal Pay Act; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; prohibitions against discrimination affecting individuals with disabilities in the federal government; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's Web site at www.eeoc.gov.

FORM: P-138CM
M&E#: 00-0703-3-1415
REV: 02/95

Employee Number: 1111

ABSENCE FROM DUTY REPORT

Date Prepared: 20 Nov 97

INSTRUCTIONS

1. SICK LEAVE: Immediately upon return to work or at the end of each pay period whichever first occurs.
 2. OCCUPATIONAL INJURY LEAVE: Immediately when injury necessitates absence from duty.
 3. **VACATION: Prior to the start of the vacation period; OR when a paycheck is desired before the start of the vacation period, this form must be received in Payroll FOURTEEN (14) CALENDAR days prior to the date the check is desired.**
 4. OTHER: Immediately upon return to work or at the end of each pay period whichever first occurs.
- Distribution: White copy - Payroll • Yellow copy - Division Head File • Pink copy - Supervisor File • Gold copy - Employee**

(Attach Doctor's Certificate When Requesting)

I, _____, employed at _____ and _____
PRINT NAME WORK LOCATION COST CENTER

Employee Number _____, hereby certify that I was absent due to sickness for the period of the time indicated below and that I was unable during such period to perform my regularly assigned duties.

DATE OF ABSENCE _____ TOTAL HOURS _____

BRIEF DESCRIPTION, NATURE OF ABSENCE _____

Signature of Employee _____ ACKNOWLEDGED _____

CIRCLE REGULAR DAYS OFF: S M T W T F S **SUPERVISOR** **DATE**

SICK LEAVE

OCCUPATIONAL INJURY LEAVE

(Attach Doctor's Certificate When Requesting)

I, _____, employed at _____ and _____
PRINT NAME **WORK LOCATION** **COST CENTER**

Employee Number _____, hereby certify that I was absent due to sickness for the period of the time indicated below and that I was unable during such period to perform my regularly assigned duties.

DATE OF ABSENCE _____ TOTAL HOURS _____

Signature of Employee _____ ACKNOWLEDGED _____

CIRCLE REGULAR DAYS OFF: S M T W T F S **SUPERVISOR** **DATE**

VACATION

I, _____, employed at _____ and _____
PRINT NAME WORK LOCATION COST CENTER

Employee Number _____, hereby certify that I will be on vacation in accordance with my approved vacation schedule for the period of time indicated below.

VACATION (HOURS) _____

DEFERRED HOLIDAYS (HOURS) _____

DATE OF VACATION (FROM) _____ (TO) _____ TOTAL HOURS _____

MY PAYCHECK TO BE ISSUED ON _____ is herewith requested for _____
(DATE) (DATE)

Signature of Employee _____ ACKNOWLEDGED

CIRCLE REGULAR DAYS OFF: S M T W T F S **SUPERVISOR** **DATE**

(Personal Business, Authorized Leave, Jury Service, etc.)

I, CRANDALL, JOE Y, employed at 1111 and
PRINT NAME WORK LOCATION COST CENTER

Employee Number 11201, hereby certify that I will be on vacation in accordance with my approved vacation schedule for the period of time indicated below.

DATE OF ABSENCE 27 NOV 99 TOTAL HOURS 8.0

REASON FOR ABSENCE ILLNESS 10 FATHERLY LV, GRANDSTILLER

If because of death in the immediate family, what relation to the employee? _____

Signature of Employee _____ ACKNOWLEDGED _____

CIRCLE REGULAR DAYS OFF: S M T W T F S SUPERVISOR DATE

Distribution: White copy - Payroll • Yellow copy - Division Head File • Pink copy - Supervisor File • Gold copy - Employee

SWINGSHIFT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
1430-2300																															
ROGER RUIZ	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F
RAY CEPEDA					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
ARLEN WONG					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
MARTY MORGAN					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
HECTOR AGUILLO					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
JOBY OKADA					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
TORY BORJA					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
TOM PEREZ					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
GUS QUICHICO					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
HERMAN ADA					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
MARK BERNSTEN					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
TONY ASHTIANI					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
TONY DIONES					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
DAVE MENDIOLA					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
GEORGE SINGEO					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
HARRY BROUDUS					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
EARLY SYRINGS					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
1300-2130					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
ELNNER MIRANDA					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
JOHN CARBULLIDO					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
STEVE SOL					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
ROD RUIZ					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
RYAN GUIMATAOTAO					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	
MIKE PABLO					D	D	C	C	C	C	C	D	D					C	C	C	C	C	D	D	D	C	C	C	C	D	

TS= TEMP SUPVR
R= RESCUE
TW= TRADE WORK
TO= TRADE OFF
V= VACATION
DAT= DAY AT A TIME

EL= EMERGENCY LV
PL= PATERNITY LV
PBFC= PERSONAL BUSINESS
D= DAY OFF
T= TRAINING

F= FLT MX SUPVR
OI= OCCUPATIONAL INJURY
S= SICK LV
ST= SHIFT TRADE
LM= LEADMAN
C= Coordinate

for off

NAME	TIME	ASSIGNMENTS	REMARKS
DAVE	1435-1545	JL 1141	941/442 12 NRT
Tony A.	0414-1620	227 on Cat. 7/19 Paperwork	943 21 SPW
Eric/Garbus	1530-1630	249	972/767 14 NRT
Vic/Dave	1535-1640	JL 1146	973/944 16 KIX
Scott/Marlon	1405-1715	JL 1052 - Dispatcat Hsp DC-10	945/906 18 KIX
Mike JR	1505-1715	063 26W inop. / 30W 26 W	942/963 8 NRT
Joe K./Banner	1540-1715	235	916/973 17 NRT
Eric/Garbus	1535-1740	201 (Air) (Hanging) Red Star	974/971 10 DPS
Vic/Dave	0414-1815	246 SV Form complet on cat. 5	953 19 ROR
Tony A.	1520-1815	228 Early Load - 5 ftch 26W	920/945 20 SPW
Scott/Marlon	1645-1900	236	942/911 12 NNL
Joe K./Banner	1830-1910	227 (Jensen/Hanging)	985 10 NRG
Mike JR	1905-T	062 SV Hsp PLA OIL	001 9-012
Tony A.	SV INSIDE	NCP AUTO CLANN / CTR PUL RADIO	from light van
Eric/Garbus	1645-1815	061 TAC ON inop / PWD comp then	NEV inop AUTO
Eric/Garbus	1710-0810	232 CTS Jerry Fan Hsp / ROR	970 16 TRK 952
Joe K./Banner	1715-0845	250 S. Hsp PLA OIL	957 14 MAL 863
Scott/Marlon	2000-0630	074 Hsp PLA OIL	073 8 NRT 961
Vic/Dave	SV INSIDE	Jerry Fan Hsp / 2 H40 CLIM	ABOVE CAT
Eric/Garbus	1645-1815	061 TAC ON inop / PWD comp then	NEV inop AUTO
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Joe K./Banner	1830-1910	227 (Jensen/Hanging)	985 10 NRG
Mike JR	1905-T	062 SV Hsp PLA OIL	001 9-012
Tony A.	SV INSIDE	NCP AUTO CLANN / CTR PUL RADIO	from light van
Eric/Garbus	1645-1815	061 TAC ON inop / PWD comp then	NEV inop AUTO
Eric/Garbus	1710-0810	232 CTS Jerry Fan Hsp / ROR	970 16 TRK 952
Joe K./Banner	1715-0845	250 S. Hsp PLA OIL	957 14 MAL 863
Scott/Marlon	2000-0630	074 Hsp PLA OIL	073 8 NRT 961
Vic/Dave	SV INSIDE	Jerry Fan Hsp / 2 H40 CLIM	ABOVE CAT
Eric/Garbus	1645-1815	061 TAC ON inop / PWD comp then	NEV inop AUTO
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Joe K./Banner	1830-1910	227 (Jensen/Hanging)	985 10 NRG
Mike JR	1905-T	062 SV Hsp PLA OIL	001 9-012

File

Continental Micronesia



Fly with the warmth of Paradise

February 20, 1997

RECEIVED

JUN 03 1997

BILL MEEHAN

To: Hamid Ashtiani / Employee Number A1966

From: Jim Bennett / Director, Technical Services - Japan *[Signature]*

Subject: Commendation

Tony;

We here in Japan Technical Services. Would like to thank you for your assistance in moving diverted Flight 840(Aircraft N781) from Narita back to Guam. And after working all afternoon on N781, when asked to remain in Narita and assist with our out of service DC10-30. You readily volunteered. Thus helping to return this A/C to service before curfew. All this shows the dedication of our staff in Technical Services to "Keeping them flying". Your commitment to the tasks at hand is commendable.

Again thanks for the assistance from all departments in Japan. Especially our passengers.

JGB/ms

cc: B. Meehan
Personal File

000049

Regional Office: 5F, Sanno Grand Bldg., 2-14-2, Nagata-cho, Chiyoda-ku, Tokyo 100, Japan
Branch Offices in Japan: Sapporo Sendai Nagoya Osaka Fukuoka Okinawa

FABIAN THERRELL

20MAY02

TO: Raymond J. Griffin Jr:

I'M WRITING THIS OF MY OWN FREE WILL TO SHEAD SOME LIGHT ON THE FALSE STATEMENTS MADE BY THE COMPANY IN THEIR DEALINGS WITH TONY ASHTIANI.

MY NAME IS FABIAN THERRELL I AM AN AIRCRAFT MECHANIC WITH CONTINENTAL. I'VE BEEN WITH THE COMPANY 14 YEARS, 8 YEARS GUAM BASED. I'M THE HIGHEST SENORITY MECHANIC ON DAYSHIFT LINE MAINTANCE. I FILL IN FOR THE LEAD MECHANIC DURING HIS WEEKEND, VACATION AND OTHER ABSENCES. THE SICK CALL PROCEDURE, AS I SEE IT, IS VERY SIMPLE. CALL WORK, LET SOMEONE KNOW YOU WILL NOT BE COMING IN. GET THEIR NAME JUST TO COVER YOUR BASES, AND DON'T WORRY ABOUT IT AFTER THAT. THE SHIFT LOG HAS A SECTION FOR "SICK CALLS" TO BE LOGGED IN. THE LOG ALSO STATES THE TIME OF THE CALL AND WHO TOOK THE CALL. I HAVE NEVER, TILL THIS VERY DAY, BEEN TOLD A SUPERVISOR MUST TAKE THE CALL. I HAVE RECEIVED SICK CALLS IN THE PAST, LOGGED THEM IN MYSELF, AND NEVER HAD MANAGEMENT QUESTION ME ABOUT IT. A SUPERVISOR IS ALWAYS ON DUTY, BUT THEY LIKE ALL HUMANS HAVE ISSUES SOMETIMES. AT ANY GIVEN TIME A SUPERVISOR COULD BE OUT AT AN AIRCRAFT, LATE TO WORK TO ATTEND A FAMILY FUNCTION, HAVING A SMOKE, OR IN THE REST ROOM. IF SOMEONE CALLS IN SICK, ITS NOT THE POLICY THAT HE/SHE MUST CONTINUE TO CALL UNTIL A SUPERVISOR TAKES THE MESSAGE.

I'M TOLD THAT MR. ASHTIANI'S TRADE DAYS DURING THE YEAR 2000 WERE ALSO CALLED INTO QUESTION. I PERSONALLY PROFERED 95% OF THE TRADE DAYS OFF THAT TONY TOOK. THESE TRADES WERE NO SECRET! THE HOLIDAY SEASON WAS NEAR, PEOPLE WANTED TO WORK EXTRA DAYS. IT WAS A WIN, WIN SITUATION FOR EVERYONE CONCERNED. SUPERVISORS KNEW THAT TONY'S TRADES HAD EXCEEDED THE DAYS ALLOTTED BY THE COLLECTIVE BARGINING AGGREMENT WITH THE TEAMSTERS, BUT THEY DIDN'T CARE. SOMETIMES IT WORKED TO THEIR ADVANTAGE. I REMEMBER SOME OCCASIONS WHEN THE SWINGSHIFT LEAD MECHANIC, WOULD VOLUNTEER TO WORK FOR TONY. TONY IS ONE OF THE BRIGHTEST MECHANICS I'VE WORKED WITH. BUT EVERY SUPERVISOR LIKES HAVING HIS PRIMARY LEAD MECHANIC WORK EXTRA DAYS, HAVING HIM WORK EXTRA DAYS AT STRAIGHT TIME IS A GIFT. EVERYONE WAS HAPPY, NO ONE EVER COMPLAINED. THE COMPANY WAS NEVER SHORT MAN HOURS BECAUSE OF TONY'S ABSENCE.

RECENTLY THERE WAS AN INCIDENT AT WORK THAT I THOUGHT WAS VERY INTERESTING. MR. BALDEREDEAN AHMED (ANOTHER MECHANIC OF MIDDLE EASTERN ANCESTRY) WAS STUCK IN CAIRO. IT WAS KNOWN BY EVERYONE THAT HE WAS GOING TO PICK UP HIS NEW WIFE IN SUDAN, STOP IN CAIRO TO VISIT THE

May 30, 2002

EMBASSY FOR HER U.S. ENTRY PAPERS AND RETURN TO GUAM AS SOON AS POSSIBLE. TRADE DAYS AND VACATION DAYS WE SET UP IN ADVANCE. NO ONE SAW A PROBLEM, THIS HAPPENS ALL THE TIME. DURING MR. AHMED'S STAY IN CAIRO ANTI-AMERICAN FEELINGS IN EGYPT REACHED A BOILING POINT. THE EMBASSY WAS BESIEGED WITH PROTESTERS. ANYONE WITH CABLE T.V. COULD WATCH THIS ON CNN. ALL OF A SUDDEN MR. AHMED'S TRADE DAY PRIVILIDGES WERE REVOKED, AND HE WAS THREATENED THAT HE WOULD BE CONSIDERED A NO CALL NO SHOW. I HAVE NEVER IN MY 14 YEARS WITH CONTINENTAL AIRLINES SEEN ANYTHING LIKE THIS! AND IT'S MY VERY STRONG OPINION, THAT THIS COULD NEVER HAPPEN TO A GUAM BASED MECHANIC OF CHAMORRO ANCESTRY! THIS IS MY STATEMENT. ANY QUESTIONS? FEEL FREE TO CONTACT ME.

SINCERELY



FABIAN THERELL

481

06 OCT 02

MR. TIMOTHY A. RIERA
EEOC DIRECTOR
300 ALA MONA BLVD, ROOM 7-127
HAWAII LOCAL OFFICE
HONOLULU HAWAII 96850

DEAR MR. RIERA

I'M WRITING THIS STATEMENT IN REGARDS TO TONY ASHTIANI'S
ALLEGED ATTENDANCE AT CONTINENTAL MICRONESIA DURING THE
YEARS 2000-2001.

I PERSONALLY PROFFERED TONY'S TRADE DAYS OFF. THERE WERE NO
INTERFERENCE IN THE OPERATIONAL NEEDS.

THIS WAS A UNION OPTION, AND EVERY ONE TRADES , IF SOME ONE
TRADED DAYS OFF 365 DAYS IN A YEAR THEY STILL BE ELIGIBLE FOR THE
PERFECT ATTENDANCE AWARD TRADE DAYS ARE CONSIDERED NON-
ACCOUNTABLE ATTANDANCES.

WHILE EVERY ONE WAS TRADING OFF WITH EACH OTHER INCLUDING
TONY A. MANAGEMENT HAD NO COMPLAINTS.

THANK YOU



FABIAN THERRELL

Tel # 671-647-5387

483

PERFECT ATTENDANCE REWARDS PROGRAM

Non Accountable Absences

1. Any absence that is documented by medical certification under the Family/Medical Leave Act
2. Vacations
3. Holidays
4. Trade Days Off
5. Personal Emergency (critical illness or death in the immediate family)
6. Jury Duty and/or Witness service on behalf of Continental Micronesia
7. Compensatory Time Off
8. Declared Adverse Weather Day
9. Military/Reserve Leave
10. A.U.T.O.'s – Authorized Unpaid Time Off (WOP)

Accountable Absences

1. Lates
2. No Shows
3. Sick Leave
4. Medical Leave
5. Maternity Leave
6. Occupational Injury
7. Educational Leave
8. Company Offered Leave of Absence
9. Furloughs
10. Personal Leave of Absence

Eligibility

All full time and part time employees of CMI (except management over grade 45).

487

MAY 29, 2002

TO WHOM IT MAY CONCERN:

I, VINCE DIAZ, MAKE THE FOLLOWING STATEMENT
THAT,

1. EMPLOYEES, OTHER THAN SUPERVISORS, IN THE MX DEPT., TOOK SICK CALL MESSAGES FROM OTHER EMPLOYEES
2. THESE MESSAGES WERE EITHER NOTED IN THE SHIFT TURNOVER LOG, ON THE MESSAGE BOARD OR PASSED ON VERBALLY TO THE SUPERVISOR ON DUTY...
3. THIS PRACTICE IS NO LONGER USED AT WORK.
4. 2 EMPLOYEES WERE HIRED AS A & P'S AFTER H. ASHTIAN'S TERMINATION, DENNIS FLORES & RICK CRUZ....



VINCE DIAZ

734-1383



485

FABIAN THERRELL

20MAY02

TO: Raymond J. Griffin Jr:

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May 30, 2002

EMBASSY FOR HER U.S. ENTRY PAPERS AND RETURN TO GUAM AS SOON AS POSSIBLE. TRADE DAYS AND VACATION DAYS WE SET UP IN ADVANCE. NO ONE SAW A PROBLEM, THIS HAPPENS ALL THE TIME. DURING MR. AHMED'S STAY IN CAIRO ANTI-AMERICAN FEELINGS IN EGYPT REACHED A BOILING POINT. THE EMBASSY WAS BESIEGED WITH PROTESTERS. ANYONE WITH CABLE T.V. COULD WATCH THIS ON CNN. ALL OF A SUDDEN MR. AHMED'S TRADE DAY PRIVILIDGES WERE REVOKED, AND HE WAS THREATENED THAT HE WOULD BE CONSIDERED A NO CALL NO SHOW. I HAVE NEVER IN MY 14 YEARS WITH CONTINENTAL AIRLINES SEEN ANYTHING LIKE THIS! AND IT'S MY VERY STRONG OPINION, THAT THIS COULD NEVER HAPPEN TO A GUAM BASED MECHANIC OF CHAMORRO ANCESTRY! THIS IS MY STATEMENT. ANY QUESTIONS? FEEL FREE TO CONTACT ME.

SINCERELY



FABIAN THERELL

481

ABSENCE FROM DUTY REPORT

Date Prepared: 10/20/95

1. SICK LEAVE: Immediately upon return to work or at the end of each pay period whichever first occurs.
 2. OCCUPATIONAL INJURY LEAVE: Immediately when injury necessitates absence from duty.
 3. VACATION: Prior to the start of the vacation period; OR when a paycheck is desired before the start of the vacation period, this form must be received in Payroll FOURTEEN (14) CALENDAR days prior to the date the check is desired.
 4. OTHER: Immediately upon return to work or at the end of each pay period whichever first occurs.
- Distribution: White copy - Payroll • Yellow copy - Division Head File • Pink copy - Supervisor File • Gold copy - Employee

(Attach Doctor's Certificate When Requesting)

I, _____, employed at _____ and _____
PRINT NAME WORK LOCATION COST CENTER

Employee Number _____, hereby certify that I was absent due to sickness for the period of the time indicated below and that I was unable during such period to perform my regularly assigned duties.

DATE OF ABSENCE _____ TOTAL HOURS **000253**

BRIEF DESCRIPTION, NATURE OF ABSENCE _____

Signature of Employee _____ ACKNOWLEDGED _____
SUPERVISOR DATE

CIRCLE REGULAR DAYS OFF: S M T W T F S

(Attach Doctor's Certificate When Requesting)

I, _____, employed at _____ and _____
PRINT NAME WORK LOCATION COST CENTER

Employee Number _____, hereby certify that I was absent due to sickness for the period of the time indicated below and that I was unable during such period to perform my regularly assigned duties.

DATE OF ABSENCE _____ TOTAL HOURS _____

Signature of Employee _____ ACKNOWLEDGED _____
SUPERVISOR DATE

CIRCLE REGULAR DAYS OFF: S M T W T F S

I, _____, employed at _____ and _____
PRINT NAME WORK LOCATION COST CENTER

Employee Number _____, hereby certify that I will be on vacation in accordance with my approved vacation schedule for the period of time indicated below.

VACATION (HOURS) _____

DEFERRED HOLIDAYS (HOURS) _____

DATES OF VACATION (FROM) _____ (TO) _____ TOTAL HOURS _____

MY PAYCHECK TO BE ISSUED ON _____ is herewith requested for _____
(DATE) (DATE)

Signature of Employee _____ ACKNOWLEDGED _____
SUPERVISOR DATE

CIRCLE REGULAR DAYS OFF: S M T W T F S

(Personal Business, Authorized Leave, Jury Service, etc.)

I, Tom Abitani, employed at Supply and _____
PRINT NAME WORK LOCATION COST CENTER

Employee Number 000253, hereby certify that I will be on vacation in accordance with my approved vacation schedule for the period of time indicated below.

DATE OF ABSENCE Jun 16-19, 2001 TOTAL HOURS 40

REASON FOR ABSENCE Sick

If because of death in the immediate family, what relation to the employee? _____

Signature of Employee Tom Abitani ACKNOWLEDGED _____
SUPERVISOR DATE

CIRCLE REGULAR DAYS OFF: S M T W T F S

Distribution: White copy - Payroll • Yellow copy - Division Head File • Pink copy - Supervisor File • Gold copy - Employee



ATTENDANCE POLICY

Regular attendance and punctuality are essential factors in insuring the personal success of each Employee, the success of the Department to which we are assigned and the successful achievement of Continental Micronesia's Corporate Goals. Excessive absenteeism and lateness places an unfair burden on our fellow Employees and has a profound adverse effect on our ability to achieve our personal success and the continued success of Continental Micronesia. This attendance program is designed to assist each Employee by setting forth a standard for acceptable attendance so each Employee knows what is expected of them. It is also designed to assist our Management team in monitoring and managing Employee attendance and punctuality in a fair and consistent manner.

Eight (8) incidents within a twelve month period is normally considered to be excessive and can subject the Employee to serious disciplinary action.

A. *D*EFINITIONS

1. **ACCOUNTABLE ABSENCES** are defined as an instance when an Employee is absent from work (a) due to sickness involving the Employee or his/her spouse or dependent child, (b) is late reporting for duty of more than 5 minutes, (c) is unable to report with prior notice to supervisor, (d) fails to report (no show) without prior notification to supervisor, and (e) departs early without authorization.
2. **NO SHOW** is the most serious type of absenteeism. When an Employee fails to show for work, it creates a hardship on the operation and other Employees. More than one incident of no show may result in an acceleration of discipline. Two (2) consecutive days (or duty assignments) absence from duty without notification may result in discipline that does not exclude termination.
3. **SICK** is an incident due to the illness of the Employee or his/her spouse or dependent child. Absence due to sickness is considered one incident even if it extends for consecutive days. The Employee must notify his/her supervisor in advance of each shift or duty assignment unless a doctor has prescribed a certain number of days free from work and the supervisor has been provided this information.
4. **LATE REPORT** – An employee is considered late for disciplinary purposes if he/she reports for work more than 5 minutes late. Three incidents of reporting five or less minutes late within a six month period will trigger the issuance of one Late incident to the Employee's attendance record and will disqualify the Employee from participation in the ATTENDANCE INCENTIVE AWARDS PROGRAM.
5. **PATTERNS AND TRENDS OF ABSENCE** – An Employee's attendance record will be reviewed to determine attendance patterns and trends. Patterns and trends may include absenteeism consistently falling in conjunction with an Employee's scheduled days off, scheduled vacation, holidays, surrounding day trade off, or when absenteeism frequently occurs on the same days of the month. In some cases, the attendance guidelines may be accelerated to promote attendance improvement by the Employee.

488

6. **NON-ACCOUNTABLE ABSENCES** – Absences from duty for the following reasons will not count for discipline related attendance tracking and will not disqualify the Employee from participation in the ATTENDANCE INCENTIVE AWARDS PROGRAMS.

- a. Vacation
- b. Holidays
- c. ~~Trade Days Off~~
- d. Death/Critical Illness*
- e. Jury Duty
- f. Approved leaves of Absence
- g. Occupational Injury Time
- h. Compensatory Time Off
- i. Approved Unpaid Time Off
- j. Company Declared Adverse Weather Time Off
- k. Lates in accordance with Paragraph A.4. above

B. ATTENDANCE POLICY GUIDELINES

Employees incurring attendance incidents will be counseled according to the following:

LEVEL ONE

1 Accountable Incident

Notation is to be placed on Employee's Attendance Tracking Sheet/File. A copy of the notation is placed in Employee's mail file.

LEVEL TWO

2 Accountable Incidents

Notation is to be placed on Employee's Attendance Tracking Sheet/File. A copy of the notation is placed in Employee's mail file.

LEVEL THREE

3 Accountable Incidents

Supervisor will personally give Employee a copy of the third incident notification on the Employee's attendance file. If the incidents indicate a potential pattern (see definition of patterns/trends), supervisor will discuss with Employee.

LEVEL FOUR

4 Accountable Incidents

Supervisor will personally give Employee a copy of the fourth incident notification on the Employee's attendance file and will counsel Employee on the 8th incident policy to ensure the Employee understands expectations. If the incidents indicate a potential pattern (see definition of patterns/trends), supervisor will again discuss with Employee.

489

LEVEL FIVE**5 Accountable Incidents**

Employee will be given a written letter of counseling (1st Written Warning) indicating the incidents on record and clear notification that further disciplinary action may be necessary if attendance improvement is not shown. If there is reason to believe that Employee Assistance may be needed, Supervisor should request assistance from Employee Relations/Human Resources.

LEVEL SIX**6 Accountable Incidents**

Employee will be given a second Written Warning letter expressing the need for immediate corrective action.

LEVEL SEVEN**7 Accountable Incidents**

Employee is placed on written termination warning. Employee Relations/Human Resources is notified of the termination warning and may request a meeting with supervisor and/or Employee for intervention purposes.

LEVEL EIGHT**8 Accountable Incidents**

Employee is subject to discharge. Supervisor should consult with Employee Relations/Human Resources prior to discharge of Employee.

C. *A*DMINISTRATION OF POLICY

1. **Rolling 12 Months Calendar** – The above guidelines are administered on a rolling 12-month period from the date of the first incident. Although incidents drop off in a rolling calendar year, once an Employee has reached termination warning, termination will be considered with each absence over the ^{next} twelve months until such time as the attendance record returns to a Level Five.

Consideration will be given to individuals with extenuating circumstances. These special situations should be reviewed by supervision and Human Resources to establish a more lenient progression if circumstances warrant. It is also possible that supervision may, in some cases, accelerate the program depending upon the severity of the incident the overall record, and the Employee's length of service.

2. **Abuse** – Employees, including supervision, are expected to work as a team toward maintaining satisfactory attendance. Dishonesty associated with sick leave or any other absence is a serious matter. An Employee who calls in sick when they are not, who misleads the Company, who uses travel benefits without prior permission, is dishonest regarding a lost time incident, or refuses a duty assignment is subject to termination of employment.

3. Medical Verifications – Supervision will advise the Employee when a written medical verification by a doctor is required which includes:

- a. Diagnosis/Prognosis
- b. Date and time of visit
- c. Date of next visit, if applicable
- d. Medication prescribed
- e. Anticipated date Employee will return to work

The verification must be submitted to the supervisor on or before report time of the Employee's first duty assignment following the absence. Failure to provide such verification may result in the Employee being withheld from duty.

ATTENDANCE AUDIT

Date: 5/14/2001

To: Tony Ashtiani

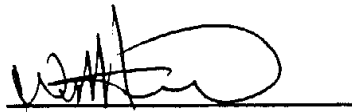
From: William A. Herrera

RE: QUARTER ATTENDANCE AUDIT

An attendance audit for the quarter of 2000 ending May 13, 2001 shows the following:

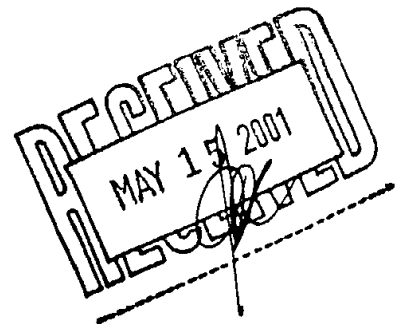
- 1) Accountable incidents 1
- 2) Sick days 1
- 3) Tardy 2

This is to inform you of your standing of level 3 as of this date.



William A. Herrera

CMI Maintenance Supervisor



000025

June 10, 2002

Mr. Tony Ashtiani

Dear Tony:

Per your request the following is a statement as to what we discovered when we met at the CMI HR Dept on Feb. 08, 2002.

Upon arriving at IIR we asked to review your personnel file. Upon review, as observed by Robbi Crisostomo, we found two "EMPLOYEE ABSENTEE RECORD Calendar Year 2001" forms in your P-file. One form had been punched for three ring binder purposes, and the other had no punch marks in it. The punched document had three weeks of attendance records missing from it while the unpunched document was completely filled in. We both commented to each other how odd that they would have two copies of the same thing for one employee.

Upon closer review we found that the two documents were different in detail. The unpunched document had much more detail on it, including worked holiday on 01/01/01, as well as indications of days where Tony apparently reported to work late. The punched document had no such notation on it. Also, the unpunched document shows the period from 6/17/01 thru 6/24/01 as "No Call/No Show" whereas the punched document merely shows those days as absence without leave, presumably indicating no sick leave to be paid.

While we cannot know for sure why the two documents are different, it would appear to me that the unpunched document was created after your termination to fill in the missing information the Company wanted to show as your attendance record. I believe the punched document came from Maint Dept records, where all employees attendance records are normally kept. The unpunched document appears to be an after termination review of your attendance, including more detail on your lates, and therefore a higher attendance incident record.

Although I have not reviewed all employees records, I do find it unusual that your file has two record sheets, and especially since the two have different information on them.

At that same meeting, we also did a rather thorough exam of your "Absence from Duty Report" records, or P-138. We found the following on these P-138 records. One P-138 was prepared on 6/11/01 for sick leave on 6/09-10. This appears normal. Another P-138 was also prepared for sick leave from 6/3-8 and also for PB (personal business) on 6/11-12. This strikes me as odd as the form was signed on 6/11, but it was for PB actually through 6/12. I would think that normally this would be prepared after the fact, rather than before the event had ended, as you never know if things will change until they have actually been completed. Filling out a form for what may happen tomorrow seems premature, until you can actually verify that PB was indeed used on 6/12/01. Then, we

384

discovered two P-138s prepared on 10/30/01. One indicates that Tony was out from 6/16-19 due to "Son Ill", but does not indicate whether this is PB, No Call/No Show, or Absence Without Leave. The second P-138 prepared on 10/30/01 is for the absence on 6/23-24. This indicates reason for absence as No Show.

First, this is unusual since the Company is required to fill out these forms within 10 working days of the incident, or within 10 days of when the employee returns. This clearly was not done. Or, another possibility is that P-138s were filled out in the appropriate time frame, but that new ones were done months later. Could it be that the original ones showed information that was not helpful to the Company's termination? We may never know, but I remain suspicious of the P-138s filled out so late after the incidents took place.

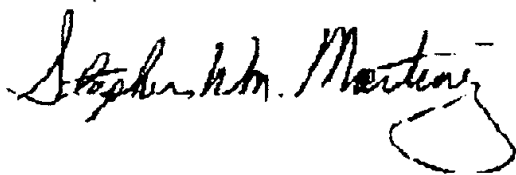
Second, the indications on these P-138s is inconsistent with other Company documents. These P-138s show an excused/unpaid leave from 6/16-19, and a No Show from 6/23-24. The punched EMPLOYEE ABSENTEE RECORD for CY2001 shows PB for 6/16 and W (or Absence without leave) from 6/17-24. The unpunched EMPLOYEE ABSENTEE RECORD for CY2001 shows PB for 6/16 and W (or Absence without leave) from 6/17-24, and further indicates the 6/17-24 were No Call/No Show. However, the Company letter of termination indicates No Call/No Show only on 6/23-24. Lastly, the duty roster shows Tony on PB for the entire 6/11 thru 6/24, except for 6/17, which Bill Herrera changed to No Call/No Show.

This difference between the various documents is highly unusual, and causes one to wonder if the 10/30/01 P-138 was to try to make records agree with the termination letter, rather than reflect the actual reason for absence.

It should be noted that there was only one "EMPLOYEE ABSENTEE RECORD" for CY2000.

I hope this letter clarifies what we discovered at HR on 2/8/01. Please let me know if you have any further questions.

Sincerely,



Stephen Wm. Martinez
Business Representative